



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
BOSTON, MA 02109-3912**

DATE: September 17, 2014

NAME: The Gateway Marina Area, including two Town-owned parcels located on the Hyannis Inner Harbor

ADDRESS: 135 South Street and 115 Pleasant Street, Barnstable, MA

PROPERTY OWNER: Town of Barnstable, MA
c/o Daniel W. Santos, P.E., Director
Department of Public Works

PROPERTY OWNER ADDRESS: 382 Falmouth Rd
Hyannis, MA 02601

Re: **REQUEST FOR ACCESS TO PROPERTY**

Dear Mr. Santos:

The United States Environmental Protection Agency ("EPA") respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to your property, referred to generally as "The Gateway Marina Area" which we understand to include two (2) Town-owned parcels: 135 South Street (Parcel 061 on Map 326; a 2.91 acre parcel) and 115 Pleasant Street (Parcel 058 on Map 326; a 0.35 acre parcel) (hereinafter, the "property").

EPA requests access to your property to perform some or all of the following activities:

- scoping, planning and meeting activities;
- a survey of potential subsurface utilities by Dig Safe, as required by Massachusetts General Law, Chapter 82, Section 40, 40A *et seq.* (as amended);
- site surveying;
- the advancement of one or more soil borings and/or test pits for the collection of soils data using appropriate soil boring / test pit techniques and/or equipment; and
- the clearing of sufficient existing vegetation to conduct these activities (if any).

The aforementioned activities are to be performed as part of a preliminary phase of an EPA green infrastructure (GI) implementation and demonstration project in order to determine the technical and cost feasibility of constructing on the property a stormwater best management practice (BMP) for the control and treatment of nitrogen and other pollutants (as appropriate). Only if the results of this preliminary feasibility phase indicate that the property is suitable for implementation of a stormwater BMP and EPA

makes a determination to construct a stormwater BMP at the property, EPA would then require access to the property for additional work activities, including the following:

- scoping, planning and meeting activities;
- site surveying;
- the advancement of one or more soil borings and/or test pits for the collection of soils data using appropriate soil boring / test pit techniques and/or equipment;
- a survey of potential subsurface utilities by Dig Safe, as required by Massachusetts General Law, Chapter 82, Section 40, 40A *et seq.* (as amended);
- testing of stormwater pipe(s) and system to determine the potential source(s) of any bacteria pollution;
- construction activities using mid to heavy construction equipment (e.g., bulldozers, backhoes, 25 ton or greater dump trucks containing aggregate materials, tractor-trailers for transporting heavy equipment);
- erection of a shed at a suitable location on the property (to conform with local ordinances) for the housing of performance monitoring equipment. The shed may or may not require electrical service to be provided from an existing available service location by an electrical subcontractor and will be used for purposes of the project for an estimated period of two to three years, after which time, this shed would become the property of the Town of Barnstable (the “Town”);
- erection of at least one sign designed to highlight and inform the general public of the project partnership and environmental benefits of GI-based BMPs for the control and treatment of nitrogen (and other pollutants, as appropriate);
- during construction and for a period of approximately one (1) to three (3) years following construction of the BMP, showcase the site to interested stakeholders (municipal officials from other towns, watershed groups, etc.). EPA understands the Town may want advance notice of such outreach events and intends to coordinate as necessary with the Town for these purposes;
- the clearing and proper disposal / management of sufficient existing vegetation to conduct all these activities;
- EPA anticipates access to the project construction area will be from either or both of Pleasant Street and South Street. To perform these activities, EPA will need access to and from Pleasant and South Streets for vehicular and equipment operations and parking (day and/or overnight). The Town will coordinate with neighborhood residents and the general public to allow for the performance of these activities.

Please signify your consent to access by signing the attached document in the space provided, and return it to me at the following address:

Ray Cody
U. S. EPA - New England, Region 1
5 Post Office Square, Suite 100
Mail Code: OEP 06-1
Boston, MA 02109-3012

The access agreement must be signed by all owners, operators or their authorized representatives of the property. Please provide the name, address, and telephone number of a designated contact for future communications. Please reply this request within **five (5) to ten (10) business days** of your receipt of this letter.

Your cooperation in assisting with completion of activities at the Site is appreciated. If you have any questions, I may be contacted at (617) 918-1502. All communications from your legal counsel should be directed to Ray Cody, EPA Region 1 Office of Ecosystem Protection, at (617) 918-1366.

Sincerely,

Ken Moraff
Director, Office of Ecosystem Protection

cc: Lynne Hamjian, Deputy Director, Office of Ecosystem Protection
Ray Cody, Surface Water Branch, Office of Ecosystem Protection

CONSENT FOR ACCESS TO PROPERTY

NAME: **The Gateway Marina Area (incl., two (2) Town-owned parcels)**

**ADDRESS OF
PROPERTY:** **135 South Street (Parcel 061 on Map 326; a 2.91 acre parcel)
and 115 Pleasant Street (Parcel 058 on Map 326; a 0.35 acre
parcel) (hereinafter, the “property”)**

I (We), consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency (“EPA”) entering and having continued access to the above-referenced property for some or all of the following purpose(s):

- scoping, planning and meeting activities;
- a survey of potential subsurface utilities by Dig Safe, as required by Massachusetts General Law, Chapter 82, Section 40, 40A *et seq.* (as amended);
- site surveying;
- the advancement of one or more soil borings and/or test pits for the collection of soils data using appropriate soil boring / test pit techniques and/or equipment; and
- the clearing of sufficient existing vegetation to conduct these activities.

I (We) understand the aforementioned activities are to be performed as part of a preliminary phase of an EPA green infrastructure (GI) implementation and demonstration project in order to determine the technical and cost feasibility of constructing on the property a stormwater best management practice (BMP) for the control and treatment of nitrogen and other pollutants (as appropriate). Only if the results of this preliminary feasibility phase indicate that the property is suitable for implementation of a stormwater BMP and EPA makes a determination to construct a stormwater BMP at the property, I (we) understand EPA would then require access to the property for additional work activities, including some or all of the following:

- scoping, planning and meeting activities;
- site surveying;
- the advancement of one or more soil borings and/or test pits for the collection of soils data using appropriate soil boring / test pit techniques and/or equipment;
- a survey of potential subsurface utilities by Dig Safe, as required by Massachusetts

General Law, Chapter 82, Section 40, 40A *et seq.* (as amended);

- testing of stormwater pipe(s) and system to determine the potential source(s) of any bacteria pollution;
- construction activities using mid to heavy construction equipment (e.g., bulldozers, backhoes, 25 ton or greater dump trucks containing aggregate materials, tractor-trailers for transporting heavy equipment);
- erection of a shed at a suitable location on the property (to conform with local ordinances) for the housing of performance monitoring equipment. The shed may or may not require electrical service to be provided from an existing available service location by an electrical subcontractor and will be used for purposes of the project for an estimated period of two to three years, after which time, this shed would become the property of the Town of Barnstable (the "Town");
- erection of at least one sign designed to highlight and inform the general public of the project partnership and environmental benefits of GI-based BMPs for the control and treatment of nitrogen (and other pollutants, as appropriate);
- during construction and for a period of approximately one (1) to three (3) years following construction of the BMP, showcase the site to interested stakeholders (municipal officials from other towns, watershed groups, etc.). EPA understands the Town may want advance notice of such outreach events and intends to coordinate as necessary with the Town for these purposes;
- the clearing and appropriate management / disposal of sufficient existing vegetation to conduct all these activities; and
- EPA anticipates access to the project construction area will be from from either or both of Pleasant Street and South Street. To perform these activities, EPA will need access to and from Pleasant and South Streets for vehicular and equipment operations and parking (day and/or overnight). The Town will coordinate with neighborhood residents and the general public to allow for the performance of these activities.

I (We) understand that a representative of the Town may accompany EPA or its representatives during the activities listed above and I (we) agree that our representative will not interfere in any way with conduct of these activities. However, this Consent for Access is not contingent on a representative accompanying EPA or its representatives during the conduct of these activities.

I (We) realize that these actions are undertaken under EPA's authorities under Section 104 of the Clean Water Act, which authorizes EPA to, among other things, encourage and cooperate with, and render technical services to, individuals, as well as public and private sector entities, to promote the coordination and acceleration of

research, investigations, training and demonstrations related to the causes, effects, prevention, and elimination of water pollution.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

_____	_____
Date	Signature of Property Owner/Operator or Authorized Representative(s)

	Printed Name

	Title

	Address

	Phone Number

CONSENT OF ADDITIONAL OWNER(s)

_____	_____
Date	Signature of Property Owner/Operator or Authorized Representative(s)

	Printed Name

	Title

	Address

	Phone Number

Attach additional sheets if necessary